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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,162

06/13/2006

Danny A. Grant

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

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EXAMINER

SORRELL, ERON J

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

01/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,162	Applicant(s) GRANT ET AL.	
	Examiner ERON J. SORRELL	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-11,17-23,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-11,17-23,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/09 has been entered.

Allowable Subject Matter

3. The indicated allowability of claims 1-4,8-11,17-23,29, and 30 is withdrawn in view of the newly discovered reference(s) to Hirai et al. (U.S. Patent No. 6,411,198 hereinafter "Hirai"). Rejections based on the newly cited reference(s) follow.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8-11, 17-22, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirai.

6. Referring to claims 1, 8, 17, and 29, Hirai teaches an apparatus, comprising:

a processor (see item 2 in figure 1);

an actuator in communication with the processor (see item 12 in figure 1); and

a memory in communication with the processor (see item 3 in figure 1), the memory storing program code executable by the processor, including:

program code for receiving an input signal, wherein the input signal is sent from an calling or sending party and having a haptic code therein (see lines 13-39 of column 10);

program code for extracting the haptic code from the input signal, the haptic code being associated with a haptic logo

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distinctly corresponding to the calling or sending party (see lines 13-39 of column 10); and

program code for providing a control signal to the actuator, the control signal being based at least in part on the haptic code and configured to cause the actuator to output a haptic effect associated with the haptic logo, wherein the haptic effect identifies the calling or sending party of the input signal (see lines 25-50 of column 12).

7. Referring to claims 30, Hirai teaches a method, comprising:

transmitting an input signal from an calling or sending party via a first communication device (see paragraph bridging columns 9 and 10);

receiving the signal at a second communication device; and extracting a haptic code from the input signal at the second communication device (see lines 13-39 of column 10),

the haptic code being associated with a haptic logo only distinctly corresponding to the calling or sending party (see lines 13-39 of column 10),

wherein the an actuator of the second communication device outputs a haptic effect associated with the haptic logo, wherein the haptic effect identifies the calling or sending party of the input signal (see lines 25-50 of column 12).

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8. Referring to claims 2,3,9,10,20, and 21, Hirai teaches the haptic logo is associated with a status event, wherein the status event includes one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event, a sports event, and an emergency event (see lines 25-50 of column 12, note some of the status events include calls from a company, which could be an advertisement, business-transaction, or marketing event).

9. Referring to claims 4 and 11, Hirai teaches the haptic effect is output to a handheld communication device (see abstract).

10. Referring to claims 18 and 19, Hirai teaches the actuator is coupled to a handheld communication device, wherein the handheld communication device includes one of a cellular phone, a satellite phone, a cordless phone, a personal digital assistant, a pager, a two-way radio, a portable computer, a game console controller, a personal gaming device, and an MP3 player (see figure 1 and abstract).

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11. Referring to claims 22, Hirai teaches the memory further stores a haptic lookup table associating a plurality of haptic codes each with a control signal (see paragraph bridging columns 12 and 13).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai in view of Wies et al (W/O 02/03172 A2 hereinafter "Wies").

14. Referring to claim 23, Hirai teaches the apparatus of claim 22 as shown above, however, Hirai fails to teach the memory further stores program code to download the haptic lookup table from a remote source.

Wies teaches, in an analogous system, the above limitations (see paragraph bridging pages 14 and 15, note the library

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disclosed by Wies, which can be downloaded from a network server, is being construed as the applicant's claimed table).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Hirai with the above teachings of Wies in order to give the user a greater range of events by allowing for customization.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERON J. SORRELL whose telephone number is (571)272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eron J Sorrell/
Primary Examiner, Art Unit 2182
January 19, 2010